

46 Am. Jur. 2d Judges § 70

American Jurisprudence, Second Edition | February 2022 Update

Judges

Glenda K. Harnad, J.D.; and Kristina E. Music Biro, J.D., of the staff of the National Legal Research Group, Inc.

VIII. Liabilities

A. Civil Liability

2. Liability for Particular Types of Conduct

a. In General; Conduct Within Scope of Rule of Absolute Judicial Immunity

§ 70. Nonjudicial acts not subject to immunity

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  35, 36

Judges may be exposed to liability for nonjudicial acts¹ since they generally have no judicial immunity for their administrative, legislative, or executive functions.² Judges acting in an administrative capacity do not have absolute immunity from suits for damages;³ administrative decisions, even though essential to the functioning of the court, have not been regarded as judicial acts.⁴

Observation:

The exception from judicial immunity for legislative and executive acts has sometimes been referred to as the "discretionary function exception."⁵

Footnotes

- 1 Mireles v. Waco, 502 U.S. 9, 112 S. Ct. 286, 116 L. Ed. 2d 9 (1991).
- 2 Crooks v. Maynard, 913 F.2d 699 (9th Cir. 1990).
- 3 Forrester v. White, 484 U.S. 219, 108 S. Ct. 538, 98 L. Ed. 2d 555 (1988).
- 4 Antoine v. Byers & Anderson, Inc., 508 U.S. 429, 113 S. Ct. 2167, 124 L. Ed. 2d 391 (1993); Forrester v. White, 484 U.S. 219, 108 S. Ct. 538, 98 L. Ed. 2d 555 (1988).
As to the general rule of nonliability for damages, see § 61.
As to judicial acts protected by the rule of nonliability for damages, see § 67.
- 5 Koelln v. Nexus Residential Treatment Facility, 494 N.W.2d 914 (Minn. Ct. App. 1993).

End of Document

© 2022 Thomson Reuters. No claim to original U.S. Government Works.